

## ENROLLED ORIGINAL

## A RESOLUTION

18-336

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To approve the Chinatown Cultural Development Small Area Action Plan submitted by the Mayor to the Council.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chinatown Cultural Development Small Area Action Plan Approval Resolution of 2009".

Sec. 2. Pursuant to section 4(c)(4) of the District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984, effective March 16, 1985 (D.C. Law 5-187; D. C. Official Code § 1-306.03(c)(4)), the Mayor transmitted to the Council on October 30, 2009, the proposed Chinatown Cultural Development Small Area Action Plan ("Plan"), dated October 19, 2009.

Sec. 3. The Council finds that:

(1) The study area includes the portions of Wards 2 and 6 bounded, approximately, by H Street, N.W., on the south, 8<sup>th</sup> Street, N.W., on the west, Massachusetts Avenue, N.W., and K Street, N.W., on the north, and 5<sup>th</sup> Street, N.W., on the east.

(2) The Plan, which was initiated in July 2008 by the Office of Planning and the Office on Asian and Pacific Islander Affairs, is in response to the growing concerns of area residents and business owners that Chinatown is threatened by the continual loss of Chinese businesses and residents as well as cultural and historic features.

(3) The Plan was published on June 1, 2009, and a public hearing was conducted on August 5, 2009.

(4) The Plan is the product of a 12-month planning process to establish a detailed set of actions and strategies, which engaged property owners, residents, and many other interested stakeholders.

(5) The planning process took a focused action-oriented approach to strengthening Chinatown as well as to meeting the District's goals and objectives, including those articulated in the recently released Center City Action Agenda 2008, an initiative developed by the Office of Planning that aims to spur additional investment in emerging neighborhoods that surround the District's traditional downtown.

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(6) The Plan outlines several goals that are fundamental components to the renewal of the area, including:

- (A) Developing Chinatown as a cultural destination;
- (B) Strengthening Chinatown's street experience;
- (C) Promoting existing and new Asian businesses;
- (D) Creating amenities to retain existing residents and attract new residents; and

(E) Facilitating community development and organization.

(7) The Plan defines 11 priority actions and 30 supporting actions to achieve its outlined goals and the immediate and long-term rejuvenation of Chinatown.

(8) The Plan will provide supplemental guidance to the Zoning Commission and other District agencies in carrying out the policies of the District of Columbia Comprehensive Plan.

Sec. 4. The Plan, as submitted, is approved by the Council as a small area action plan.

Sec. 5. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. This resolution shall take effect immediately.

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## A RESOLUTION

18-337

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To establish the date by which the Mayor shall submit to the Council the proposed budget for the government of the District of Columbia for the fiscal year ending September 30, 2011, to identify information and documentation to be submitted to the Council with the proposed budget for the government of the District of Columbia for the fiscal year ending September 30, 2011, and to require the Mayor to submit performance plans and accountability reports pursuant to Title XIV-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2011 Budget Submission Requirements Resolution of 2009".

Sec. 2. Budget submission deadline.

Pursuant to section 442(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42(a)) ("Home Rule Act"), the Mayor shall submit to the Council, and make available to the public, not later than April 1, 2010, the proposed budget for the District government and related budget documents required by sections 442, 443, and 444 of the Home Rule Act (D.C. Official Code §§ 1-204.42, 1-204.43, and 1-204.44), for the fiscal year ending September 30, 2011.

Sec. 3. The proposed budget shall contain:

(1) Required budget documents as follows:

(A) For the entire District government, including all subordinate agencies, independent agencies, independent instrumentalities, and independent authorities ("agency"), the proposed budget shall contain a summary statement or table showing the following:

(i) The revenues by source (local, dedicated tax, special purpose, federal, private, and intra-district);

(ii) Expenditures by Comptroller Source Group for fiscal years 2008 and 2009; and

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(iii) Projections for revenues and expenditures for the fiscal year 2010 approved budget and for the 2011 proposed budget;

(B) For each agency or separate Organizational Level I line item in the District's annual budget, summary statements or tables showing all sources of funding by source (local, dedicated tax, special purpose, federal, private, and intra-district) for fiscal years 2008 and 2009, including a presentation of any variance between fiscal year appropriations and expenditures;

(C) For each agency or separate Organizational Level I line item in the District's annual budget, a summary statement or table showing projections of all sources of funding by source (local, dedicated tax, special purpose, federal, private, and intra-district), for the fiscal year 2010 approved budget and for the 2011 proposed budget;

(D) For each agency or separate Organizational Level I line item in the District's annual budget, summary statements or tables showing expenditures by Comptroller Source Group and by Program (Organizational Level II), delineated by Activity (Organizational Level III), further delineated by Service (Organizational Level IV), whenever required by law, by source of funding for fiscal years 2008 and 2009, including a presentation of any variance between fiscal year appropriations and expenditures, as well as projections for the fiscal year 2010 approved budget and for the 2011 proposed budget;

(E) For each Program (Organizational Level II), a delineation by Comptroller Source Group;

(F) A narrative description of each program and activity that explains the purpose and services to be provided; and

(G) A summary statement or table showing, by Comptroller Source Group and by Program, delineated by Activity, further delineated by Service, authorized full-time equivalents ("FTEs") by revenue source (local, dedicated tax, special purpose, federal, private, intra-district, and capital); FTEs indicating the actual salary of the incumbent, or, in the case of a vacant position, the authorized salary, for fiscal years 2008 and 2009; projections for fiscal years 2010 and 2011; and a listing of authorized FTEs for fiscal year 2010 that reflects new positions, reorganizations, and transfers.

(2) School related budget documents as follows:

(A) A summary statement or table showing the number of full-time and part-time school-based personnel in the District of Columbia Public Schools, by school level (e.g., elementary, middle, junior high, pre-kindergarten through 8<sup>th</sup> grade, senior high school) and school, including school-based personnel funded by other District agencies, federal funds, or private funds; and

(B) A summary statement of table showing the number of special education students served by school level (e.g., elementary, junior high), including the number of students who are eligible for Medicaid services.

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## (3) Specific agency requests as follows:

(A) For the Office of Labor Relations and Collective Bargaining within the Office of the City Administrator the following budget information shall be presented separately:

(i) The expenditures by revenue source (local, special purpose, dedicated tax, federal, private, and intra-district) for fiscal years 2010 and 2011;

(ii) Expenditures by Comptroller Source Group for fiscal years 2008 and 2009; and

(iii) Projections for fiscal years 2010 and 2011;

(B) For the Fire and Emergency Medical Services Department, within the budget narrative a detailed explanation shall be included of the financial resources available for Emergency Medical Services in fiscal years 2010 and proposed 2011;

(C) A list, by agency, of FTEs, including capital FTEs, and associated funding (by funding source) that are funded out of the agency budget, but report to the Office of the Chief Financial Officer;

(D) Separate budget tables for the Summer Youth Employment Program, if it is not presented as a distinct program, activity, or service;

(E) Separate budget tables for the Home Purchase Assistance Program, if it is not presented as a distinct program, activity, or service;

(F) An analysis of the amount of TANF carryover funding proposed for use in the fiscal year 2011 budget; and

(G) The Poverty Lawyer Assistance Program and Civil Legal Services, which are managed through the D.C. Bar Foundation, shall be listed as separate programs (Organizational Level 2) in a single paper agency (Organizational Level 1), called Access to Justice, that is separate from the Office of the Attorney General.

## (4) Capital budget documents as follows:

(A) A capital budget shall be presented separately and shall include budget information as described in subparagraphs (B), (C), and (D) of this paragraph. Such information shall be based on an updated, multiyear capital improvement plan for all capital projects (inclusive of subprojects) in all agencies proposing a capital project, as defined in section 103(8) of the Home Rule Act, including local and federal aid highway and other transportation improvements.

(B) A multiyear capital budget shall be included for all capital projects described in subparagraph (A) of this paragraph, setting forth the projects and sub-projects names and project codes with the following information:

(i) Original fully funded cost estimate;

(ii) Prior year cost estimate;

(iii) Projected year authority and allotment for the budget year and

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for 5 future year budgets;

(iv) Estimated impact of each project on the operating budget;  
(v) A description specific to the project and subproject, including purpose, scope, location, key milestones, and current status; and

(vi) All proposed funding by source (local, special purpose, bond, dedicated tax, federal, private, and intra-district, etc.);

(C) For capital projects funded by more than one agency, a summary of all intra-District funds and corresponding capital project numbers for each agency;

(D) For the Office of Public Education Facilities Modernization:

(i) A list of actual capital spending on a school-by-school basis for fiscal year 2009;

(ii) A school modernization budget, inclusive of the following master projects in the fiscal year 2010 budget, along with the information listed in subparagraph (B) of this paragraph for each school for which funds are to be spend in fiscal years 2011 through fiscal year 2016:

(I) Modernizations Underway;

(II) High School Modernizations;

(III) Elementary/Middle Schools Modernizations; and

(IV) Selective Additions and New Construction; and

(iii) Budget information on a school-by-school basis for fiscal year 2011 for all other master projects, as included in the fiscal year 2010 budget, and any new master projects proposed;

(E) For all agencies, a listing by agency of all capital projects not recommended for funding but included in the agency's original request to the Mayor. The listing shall at least include the:

(i) Total amount of request for the agency not funded by fiscal year or only partly funded over the 6-year period of the capital improvement plan;

(ii) Project name (and code, if any) and a description of each project not funded;

(iii) Amount funded and not funded by project for fiscal year 2011 and for the 6-year period; and

(iv) Reason for not being recommended or policy issues involved.

(5) For Medicaid data, a summary statement or table showing:

(A) The fiscal year 2011 baseline Medicaid budget by each specific agency, (delineated by Program and Activity), related to the District of Columbia's Medicaid program, including a presentation of current fiscal year reprogrammings that will have a recurring fiscal impact in succeeding fiscal years and a comparison to the fiscal year 2010 final estimated Medicaid spending by each specific agency, (delineated by Program and Activity);

(B) The total Medicaid expenditures per month for fiscal year 2009

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compared to the anticipated Medicaid expenditures for each month of fiscal years 2010 and 2011;

(C) The total number of actual Medicaid enrollees for each month of fiscal year 2009 compared to the number of anticipated Medicaid enrollees for each month of fiscal years 2010 and 2011, including data showing discrete numbers for each of the following groups:

- (i) Aged;
- (ii) Disabled;
- (iii) Temporary Assistance for Needy Families ("TANF") adults;
- (iv) TANF children;
- (v) Children Health Insurance Program ("CHIP") parents;
- (vi) CHIP children;
- (vii) Other adults;
- (viii) Other children;
- (ix) Pregnant women;
- (x) Immigrant children; and
- (xi) Blind persons;

(D) The amount of Medicaid reimbursement projected to be achieved in fiscal years 2010 and 2011, by each specific agency receiving Medicaid reimbursement, (delineated by Program and Activity), including:

- (i) A comparison to the actual reimbursements received in fiscal year 2009;
- (ii) The amount of projected local dollars that are used to leverage the federal reimbursement in fiscal years 2010 and 2011, including a comparison to the actual local dollars used to leverage federal reimbursement in fiscal year 2009; and
- (iii) A list of the local match by each agency's Program and Activity that is associated with leveraging Medicaid matching dollars; and

(E) The total number of actual Medicaid waiver program enrollees for each month of fiscal year 2009, for each Medicaid waiver, compared to the number of projected Medicaid waiver program enrollees for each month of fiscal years 2010 and 2011.

(6) Additional documents as follows:

(A) Copies of all documents referenced in and supportive of the budget justification for fiscal year 2011, including the proposed Fiscal Year 2011 Budget Request Act, and any other legislation that is necessary for implementation of the proposed budget for the District for fiscal year 2011;

(B) A summary statement or table showing all Mayoral reprogramming requests submitted to the Council during the current fiscal year;

(C) For all District government agencies, a summary statement or table showing all reprogrammings for the last 2 fiscal years, which shall include information that

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details which agency sent and which agency received the reprogrammed funds and identifies the reprogrammed funds by source (local, special purpose, federal, private, and intra-district);

(D) For all District government agencies, salary-lapse data for the 3 previous fiscal years, including information that details what the salary lapse was and whether it was reprogrammed for other purposes, and information explaining the salary-lapse assumptions that were used in developing the core budget for fiscal year 2011;

(E) A list, by agency, of all special purpose revenue remaining fund balances, each fund balance use, carryover of funds from prior fiscal years, a narrative description of each fund, and the revenue source for each special purpose revenue fund, which shall include the:

(i) Actual amounts for fiscal year 2009;

(ii) Approved amounts for fiscal year 2010; and

(iii) Proposed amounts for fiscal year 2011;

(F) The rate and assumptions used in setting fixed costs, by agency;

(G) A table of all Intra-District funds included in the fiscal year 2011 budget, including the receiving and transmitting agency, and whether a signed memorandum of understanding is in place;

(H) The Highway Trust Fund and Unified Fund spending plan;

(I) A table showing budget authority and actual amounts borrowed in the 2 prior years for each project in the capital budget;

(J) A table showing all tax-supported debt within the 12% cap and spending authority remaining within the cap;

(K) A summary table, which shall include a list of all intra-agency and inter-agency changes of funding, with a narrative description of each change sufficient to provide an understanding of the change in funds and its impact on services, from the Second Fiscal Year 2010 Budget Request Act, signed by the Mayor on August 26, 2009 (D.C. Act 18-188; 56 DCR \_\_\_\_), to the fiscal year 2011 Mayor's proposed budget. For each target adjustment, the Mayor shall indicate whether the target adjustment is a policy decision of the agency or a baseline change reflected in the fiscal year 2011 current services funding level budget;

(L) A crosswalk, for any agency that has undergone a restructuring in fiscal year 2011, that shows the fiscal year 2010 allocations under the fiscal year 2011 structure;

(M) A listing of all stimulus awards and expenditures by agency, project, or program;

(N) For the new fixed cost agency being created by the Mayor in fiscal year 2011, provide the cost of each commodity by agency for fiscal years 2009 actual, 2010 approved, and 2011 proposed; and

(O) For legislation approved by the Council of the District of Columbia on final reading as of March 3, 2010:

(i) A summary statement or table showing legislation enacted that



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is not accounted for in the fiscal year 2011 proposed budget; and

(ii) The cost of enacting such legislation in fiscal year 2011 through fiscal year 2014.

Sec. 4. Performance accountability reports.

(a) Pursuant to Title XIV-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective May 16, 1995 (D.C. Law 11-16; D.C. Official Code § 1-614.11 *et seq.*), the Mayor shall submit to each Councilmember and the Council Officers, and make available to the public, not later than January 31, 2010, all performance accountability reports for fiscal year 2009 that cover all publicly funded activities of each District government agency.

(b) The Mayor shall submit to the Council, and make available to the public, not later than April 1, 2010, the performance plans for fiscal year 2011 that cover all publicly funded activities of each District government agency.

Sec. 5. Pursuant to section 446 of the Home Rule Act, the Council's 56-calendar day budget review period shall begin after the date that all materials required to be submitted by sections 2 through 4 have been submitted in accordance with this resolution and the Council's rules.

Sec. 6. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 7. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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## A RESOLUTION

18-338

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To approve the disposition of real property located at 4501 Kansas Avenue, N.W., commonly known as the Clark School and designated for assessment and taxation purposes as Lot 806, Square 3138.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Clark School Disposition Approval Resolution of 2009".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "CBE Agreement" means an agreement with the District governing certain obligations of the Lessee or the developer of the property under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) ("CBE Act"), including the equity and development participation requirements set forth in section 2349a of the CBE Act (D.C. Official Code § 2-218.49a).

(2) "Certified business enterprise" means a business enterprise or joint venture certified pursuant to the CBE Act.

(3) "First Source Agreement" means an agreement with the District governing certain obligations of the lessee or any developer of the property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983), regarding job creation and employment generated as a result of the construction on the property.

(4) "Lessee" means E.L. Haynes Public Charter School or its successor.

(5) "Property" means the real property located at 4501 Kansas Avenue, N.W., commonly known as the Clark School, and designated for assessment and taxation purposes as Lot 806, Square 3138.

(6) "Rent" means the consideration paid by lessee for the lease of the property.

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## Sec. 3. Approval of disposition.

(a) Pursuant to section 1(b) and 1 (b-1) of an Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b) and (b-1)) ("disposition act"), the Mayor transmitted to the Council a request for the Council to authorize a lease of the property to the lessee.

(b) The proposed disposition would occur through a negotiated ground lease to the lessee, whose primary address is 3600 Georgia Avenue N.W., Washington, D.C., 20010, for use as a public charter school.

(c) The proposed disposition is expected to include the following terms and conditions, in addition to such other terms and conditions as the Mayor considers necessary or appropriate:

(1) The term of the ground lease and rent shall be consistent with the requirements of section 2209 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.09), which governs the terms under which the District may lease surplus school buildings.

(2) The lessee will enter into a CBE Agreement. The CBE Agreement will require the lessee to contract with certified business enterprises for at least 35% of the contract dollar volume of the redevelopment of the property and, if possible, will require at least 20% equity and development participation of local, small, and disadvantaged business enterprises.

(3) The lessee of the property will enter into a First Source Agreement.

(d) The Council finds that the property is no longer required for public purposes.

(e) The Council finds that the Mayor's analysis of economic and other policy factors supporting the disposition of the property justifies the lease proposed by the Mayor.

(f) All documents that are submitted with this resolution shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the disposition act.

(g) The Council approves the disposition of the property.

## Sec. 4. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Chancellor of the District of Columbia Public Schools, the Department of Real Estate Services, the Chief Financial Officer, and the Mayor.

## Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee print as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 6. Effective date.

This resolution shall take effect immediately.

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## A RESOLUTION

18-339

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To approve the disposition of real property located at 3825 18<sup>th</sup> Street, N.E., commonly known as the Taft School and designated for assessment and taxation purposes as Parcel 01570073.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Taft School Disposition Approval Resolution of 2009".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "CBE Agreement" means an agreement with the District governing certain obligations of the lessee or the developer of the property under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) ("CBE Act"), including the equity and development participation requirements set forth in section 2349a of the CBE Act (D.C. Official Code § 2-218.49a).

(2) "Certified business enterprise" means a business enterprise or joint venture certified pursuant to the CBE Act.

(3) "First Source Agreement" means an agreement with the District governing certain obligations of the lessee or any developer of the property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983), regarding job creation and employment generated as a result of the construction on the property.

(4) "Lessee" means Hyde Leadership Public Charter School of Washington, D.C. Inc., or its successor.

(5) "Property" means the real property located at 3825 18<sup>th</sup> Street, N.E., commonly known as the Taft School and designated for assessment and taxation purposes as Parcel 01570073.

(6) "Rent" means the consideration paid by the lessee for the lease of the property.

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## Sec. 3. Approval of disposition.

(a) Pursuant to section 1(b) and (b-1) of an Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b) and (b-1)) ("disposition act"), the Mayor transmitted to the Council a request for the Council to authorize a lease of the property to the lessee.

(b) The proposed disposition would occur through a negotiated ground lease to the lessee, whose primary address is 101 T Street, N.E., Washington, D.C. 20002, for use as a public charter school.

(c) The proposed disposition is expected to include the following terms and conditions, in addition to such other terms and conditions as the Mayor considers necessary or appropriate:

(1) The term of the ground lease and rent shall be consistent with the requirements of section 2209 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.09), which dictates the terms under which the District may lease surplus school buildings.

(2) The lessee will enter into a CBE Agreement. The CBE Agreement will require the lessee to contract with certified business enterprises for at least 35% of the contract dollar volume of the redevelopment of the property and, if possible, will require at least 20% equity and development participation of local, small, and disadvantaged business enterprises.

(3) The lessee of the property will enter into a First Source Agreement.

(d) The Council finds that the property is no longer required for public purposes.

(e) The Council finds that the Mayor's analysis of economic and other policy factors supporting the disposition of the property justifies the lease proposed by the Mayor.

(f) All documents that are submitted with this resolution shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the disposition act.

(g) The Council approves the disposition of the property.

## Sec. 4. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Chancellor of the District of Columbia Public Schools, the Department of Real Estate Services, the Chief Financial Officer, and the Mayor.

## Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 6. Effective date.

This resolution shall take effect immediately.

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## A RESOLUTION

18-340

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To confirm the appointment of Mr. Charles Brodsky as Chairperson to the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board Charles Brodsky Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Charles Brodsky  
1753 Lanier Place, N.W.  
Washington, D.C. 20009  
(Ward 1)

as Chairperson of the Alcoholic Beverage Control Board, established by D.C. Official Code § 25-201, for a term to end May 7, 2012.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-341

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$5 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist the AppleTree Early Learning Public Charter School in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "AppleTree Early Learning Public Charter School Qualified School Construction Revenue Bonds Project Approval Resolution of 2009".

## Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Authorized Delegate" means the Mayor, the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated, or to whom the foregoing individuals have subdelegated, any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be the AppleTree Early Learning Public Charter School, a nonprofit corporation organized under the laws of the District of Columbia and a public charter school in good standing in the District of Columbia, and which is liable for repayment of the bonds.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds

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and to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the bonds to the borrower.

(12) "Project" means:

(A) The financing, refinancing, or reimbursing of all or a portion of the incurred by the borrower in connection with the acquisition, construction, renovation, and equipping of the building owned by the borrower located at 2015-2017 Savannah Terrance, S.E. (Lot 40, Square 5894) and 138 12th Street, N.E., Washington, D.C. (Lot 0104, Square 0988); and

(B) Funding any required debt service reserve fund or capitalized interest on the bonds; and

(C) Paying all or a portion of the Issuance Costs, credit enhancement costs, and working capital.

### Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse, and to assist in the financing, refinancing, or reimbursing of, costs of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans



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made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$5 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

(3) The project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The project is an undertaking in the area of education facilities within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the bonds and the loan to the borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the project.

(6) The project is an undertaking whose proceeds shall be used for the construction, repair, or rehabilitation of a public school facility within the meaning of section 54F of the Internal Revenue Code of 1986, effective February 17, 2009 (123 Stat. 355; 26 U.S.C. § 54F).

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$5 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing, refinancing, or reimbursing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District's participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements with the District, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;

## ENROLLED ORIGINAL

- (2) The principal amount of the bonds and denominations of the bonds;
  - (3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;
  - (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, and the maturity date or dates of the bonds;
  - (5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
  - (6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;
  - (7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;
  - (8) The time and place of payment of the bonds;
  - (9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;
  - (10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and
  - (11) The terms and types of credit enhancement under which the bonds may be secured.
- (b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.
- (c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.
- (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.
- (e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.
- (f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

## ENROLLED ORIGINAL

## Sec. 6. Sale of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

## Sec. 7. Payment and security.

(a) The principal of, and premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

## Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed,

## ENROLLED ORIGINAL

printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of, or involve, the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents

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or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of bonds is in the discretion of the District. Nothing contained in this resolution, the bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any bonds for the benefit of the borrower or to participate in or assist the borrower in any way with financing, refinancing, or reimbursing the costs of the project. The borrower shall have no claims for damages or for any other legal or equitable relief against the District, or its elected or appointed officials, officers, employees, or agents, as a consequence of any failure to issue any bonds for the benefit of the borrower.

(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other

## ENROLLED ORIGINAL

person shall not rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years after the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, and the validity of the bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the project. This resolution has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sect. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

## ENROLED ORIGINAL

## A RESOLUTION

18-342

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To confirm the appointment of Mr. Eugene Coffey to the Commission on Aging.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Aging Eugene Coffey Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Eugene Coffey  
4600 Connecticut Avenue, N.W.  
Washington, D.C. 20008  
(Ward 3)

as a member of the Commission on Aging, established by section 401 of the District of Columbia Act on the Aging, effective October 29, 1975 (D.C. Law 1-24; D.C. Official Code § 7-504.01), for a term to end October 28, 2010.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLED ORIGINAL

## A RESOLUTION

18-343

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To approve an amendment to the rules governing residency requirements for the purpose of enrollment in the HealthCare Alliance program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Residency Criteria Amendment for the HealthCare Alliance Program Approval Resolution of 2009".

Sec. 2. Pursuant to section 7a of the Health Care Privatization Amendment Act of 2001, effective March 30, 2004 (D.C. Law 15-109; D.C. Official Code § 7-1405.01), the Council of the District of Columbia approves the proposed amendments to sections 3304.4, 3304.7, 3304.8, and 3304.9 of Title 22 of the District of Columbia Municipal Regulations to amend the criteria under which applicants shall prove District residency for the purpose of enrollment in the HealthCare Alliance program.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Director of the Department of Health Care Finance and to the Mayor.

Sec. 4. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

18-344

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To delegate to the Secretary to the Council the authority to accept and use donations on behalf of the Council, including a donation of a bronze plaque to be mounted on the Alexander Robey Shepherd statute located in front of the John A. Wilson Building.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Secretary to the Council Authorization to Accept and Use Donations on Behalf of the Council Delegation Authorization Resolution of 2009".

Sec. 2. The Council finds that:

(1) Under Council Rule 262, the Secretary to the Council is the chief administrative officer of the Council and is responsible for administering the fiscal year budget of the Council.

(2) Section 115 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (117 Stat. 123; D.C. Official Code § 1-329.01) ("Gift and Donation act"), provides that:

"(a)(1) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2003 and any subsequent fiscal year if--

"(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

"(B) the entity uses the gift or donation to carry out its authorized functions or duties.

"(2) The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor."

"(3) Under section 601a(c)(2) of the Omnibus Spending Reduction Act of 1993, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 10-1302(c)(2)), the Secretary to the Council may expend monies to commemorate the anniversary of the John A. Wilson Building, including on appropriate displays and activities to showcase the history of the building and of elected government in the District of Columbia, and officials who have shaped the history of the District of Columbia.

**ENROLLED ORIGINAL**

Sec. 3. (a) Pursuant to section 115 of the Gift and Donation act, the Secretary to the Council is delegated the authority to accept and use donations on behalf of the Council, including a donation of a bronze plaque to be mounted on a granite stone to identify the statute of Alexander Robey Shepherd, also known as Boss Shepherd, located in front of the John A. Wilson Building.

(b) The Secretary to the Council is authorized to develop procedures and criteria for the receipt and use of donations.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-345

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to adopt provisions supporting the fiscal year 2010 budget.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2010 Budget Support Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) In September 2009, the Council enacted the Fiscal Year 2010 Budget Support Act of 2009, passed on 4<sup>th</sup> reading on September 22, 2009 (Enrolled version of Bill 18-203; 56 DCR\_\_\_)("permanent act"), and the Fiscal Year 2010 Budget Support Second Emergency Act of 2009, effective October 15, 2009 (D.C. Act 18-207; 56 DCR 8228)("emergency act"). The emergency act expires on December 30, 2009.

(b) The permanent act must complete the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is not projected to become law prior to expiration of the emergency act.

(c) It is important that the provisions of the emergency act continue in effect, without interruption, until the permanent act is law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2010 Budget Support Congressional Review Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-346

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to amend the PILOT Authorization Increase and Arthur Capper/Carrollsborg Public Improvements Revenue Bonds Approval Act of 2006 to approve the revised Capper/Carrollsborg PILOT Agreement, and authorize the use of the Downtown TIF as a credit enhancement to the sale of bonds for the Arthur Capper/Carrollsborg Project in Ward 6.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Arthur Capper/Carrollsborg Public Improvements Revenue Bonds Approval Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to amend the PILOT Authorization Increase and Arthur Capper/Carrollsborg Public Improvements Revenue Bonds Approval Act of 2006 so the District of Columbia Housing Authority can take advantage of a strong bond market and issue the revenue bond anticipation notes as soon as possible.

(b) Interest rates are presently very low, but interest rates are volatile. For a Borrower to ensure maximizing interest savings on the bonds, the issuance needs to occur by December or early January. Council's approval, on an emergency basis, of the bond resolution authorizing the issuance of the bonds would provide maximum savings to the Borrower and allow Phase II of the Capper Project to move forward.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Arthur Capper/Carrollsborg Public Improvements Revenue Bonds Approval Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-347

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to allow retail establishments to deplete existing stock of nonconforming plastic and paper disposable carryout bags.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Anacostia River Clean Up and Protection Clarification Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to allow retail establishments to deplete existing stock of nonconforming plastic and paper disposable carryout bags.

(b) For retail establishments with significant disposable carryout bag stock, replacing such stock with those that conform to the requirements of section 3 of the Anacostia River Cleanup and Protection Act of 2009 pose a hardship.

(c) Destroying existing stock in favor of conforming stock does not advance the environmental goals of the Anacostia River Cleanup and Protection Act of 2009.

(d) Implementation of the other provisions of the legislation, including the \$.05 fee, will not be subject to the temporary extension in the emergency action, and bags exempted temporarily from the requirements of section 3 will still be subject to the fee.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Anacostia River Clean Up and Protection Clarification Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-348

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to authorize the reimbursement of funds from the Film DC Economic Incentive Fund pertinent to the April 3, 2009 agreement executed by the Office of Motion Picture and Television Development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Film DC Economic Incentive Fund Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) The underlying emergency legislation would authorize the payment of funds from the Film DC Economic Incentive Fund pertinent to the April 3, 2009 letter agreement executed by the Office of Motion Picture and Television Development, regarding the Columbia Pictures project "How Do You Know", directed by James Brooks, which filmed in D.C. this year.

(b) The underlying emergency legislation was drafted after consultation with the Office of the Chief Financial Officer, which indicated it would expedite the process of making payment based on the criteria contained in the letter agreement using existing funds in the Film DC Economic Incentive Fund.

(c) The underlying emergency legislation would further stipulate that the Office of Motion Picture and Television Development makes a finding, transmitted in writing to the Council, that Columbia Pictures Industries, Inc., has met the terms of that letter agreement, prior to the payment of these funds.

(d) This measure is being proposed to expedite payment in a timely fashion.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Film DC Economic Incentive Fund Payment Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-349

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to designate the District's annual city title high school boys and girls championship basketball games and title trophy as the Abe Pollin City Title Championship and Abe Pollin City Title Trophy, in honor of the late Abe Pollin.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Abe Pollin City Title Championship and Title Trophy Designation Emergency Declaration Resolution of 2009".

Sec. 2. (a) For 43 years, the District's annual city title championship basketball games have showcased the best and most talented high school athletes, girls and boys, from District of Columbia public high schools and the Washington Catholic Athletic Conference. For years, the District's annual city title championship basketball games were played at various venues, including the Cole Field House at the University of Maryland.

(b) The late Abe Pollin, a distinguished District community leader and owner of the National Basketball Association's Washington Wizards, initiated the revitalization of the Chinatown/Gallery Place neighborhood and led the way for others to invest in the downtown neighborhood by financing the construction of the Verizon Center.

(c) In 2006, when the city title championship basketball games faced the prospect of being held in a high school gymnasium that could not hold the thousands of fans who traditionally came to the games, Abe Pollin generously agreed to a request from Council Chairman Vincent C. Gray to have the city title championship basketball games held at the Verizon Center. Since 2006, the Verizon Center has hosted the city title championship basketball games, allowing District high school athletes, their coaches, families, and friends to experience lifetime memories of championship games played at a world-class sporting venue.

(d) Abe Pollin, who died on November 24, 2009, was an exceptional man of impeccable integrity who will be long remembered for his deep and abiding love for his adopted hometown and profound sense of humanitarianism, which serves as a model for all District residents. In March 2010, the Verizon Center will once again host the District's annual city title

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championship basketball games. Designating the city title championship basketball games as the Abe Pollin City Title Championship and the city trophy as the Abe Pollin City Title Trophy is a fitting tribute.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Abe Pollin City Title Championship and Title Trophy Designation Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

18-350

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to approve the proposed contracting and procurement rules submitted by the Board of Trustees of the University of the District of Columbia establishing specific policies, procedures, and guidelines relating to the procurement, contracting, management, and control of goods, supplies, services, equipment, and construction for the University of the District of Columbia System.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "University of the District of Columbia Procurement Rules Emergency Declaration Resolution of 2009".

Sec. 2. (a) Through the Second Fiscal Year 2010 Budget Request Act of 2009, substantial investments were made in the capital budget for the University of the District of Columbia ("UDC"), in an effort to support deferred maintenance, long-overdue modernization projects, and the construction of a new student center.

(b) UDC is in the process of preparing its fiscal year 2011 capital budget request. Critical to this request is the UDC's ability to manage procurement relative to capital projects.

(c) In consideration of impending projects, including designs for the Bertie Backus site, the Student Center, and the campus-wide space utilization plan, UDC has assembled an experienced construction management team.

(d) UDC now stands prepared to manage implementation of existing projects, many of which have been delayed as a result of inconsistent priorities among UDC and relevant District agencies involved in the procurement process. These delays have increased overall costs and obstructed the benefit that safe and modern facilities would confer on students of the District's only public university.

(e) Given the urgent need to move forward with deferred maintenance and modernization projects and the upcoming fiscal year 2011 capital budget request, emergency approval of proposed contracting and procurement rules is necessary to effectuate UDC's independent procurement authority and allow immediate implementation of long-delayed capital projects.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the University of the District of Columbia Procurement Rules Emergency Approval Resolution of 2009 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-351

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To approve the proposed rules submitted by the Board of Trustees of the University of the District of Columbia establishing specific policies, procedures, and guidelines relating to the procurement, contracting, management, and control of goods, supplies, services, equipment, and construction for the University of the District of Columbia system.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "University of the District of Columbia Procurement Rules Emergency Approval Resolution of 2009".

Sec. 2. Pursuant to section 206(19) of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1427; D.C. Official Code § 38-1202.06(19)), the University of the District of Columbia transmitted to the Council on December 10, 2009, proposed rules governing the procurement, contracting, management, and control of goods, supplies, services, equipment, and construction for the University of the District of Columbia system. The Council approves the proposed rules to amend Chapter 8B of Title 8 of the District of Columbia Municipal Regulations.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the University of the District of Columbia Office of the President, the Board of Trustees of the University of the District of Columbia, and the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-352

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to require the Chief Financial Officer to stop payment at midnight on January 20, 2010, on all retroactive contracts that have not been ratified by the Council by act, and to require written confirmation from the Mayor, the City Administrator, or the Chief Procurement Officer that all known retroactive contracts have been submitted to the Council.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Unauthorized Contract Stop Payment Emergency Declaration Resolution of 2009".

Sec. 2. (a) Over the past few months, it has come to the attention of the Council that:

(1) Tens of millions of dollars in contracts have been awarded through the District of Columbia Housing Authority without being submitted to the Council as required by law; and

(2) Hundreds of millions of dollars in option-year contracts have not been submitted to the Council as required by law, as a result of a order by the Attorney General.

(b) Reviewing contracts of over \$1 million is an important oversight function of the Council and the failure to be provided with these contracts, and other documents, impairs the Council's ability to discharge that function, as defined by the Home Rule Charter.

(c) The Council has requested that the Executive submit these retroactive contracts to the Council for ratification in letters written on November 12, 2009, and December 9, 2009. The Executive has not submitted these contracts to the Council.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Unauthorized Contract Stop Payment Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-353

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to prohibit the Mayor from making grants of more than \$1 million from the General Fund of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Executive Grant-Making Authority Limitation Emergency Declaration Resolution of 2009".

Sec. 2. (a) During Council Period 18, the Council has undergone major reform with regard to the grant-making process. To be more transparent and to create more uniformity, the Council changed its designated grant-making rules to state that grantees must submit certain documentation before receiving a grant. The Council also limited consecutive allocations and set a maximum grant limit of \$250,000 for non-capital projects and \$1 million for capital projects. Then, due to fiscal constraints, the Council eliminated designated grants from the Fiscal Year 2010 budget entirely.

(b) The emergency legislation is part of the Council's ongoing effort to ensure transparency in the contracting and grant-making process and to encourage competitive awarding of funds whenever possible.

(c) The emergency legislation will prohibit the Executive from making grants from the General Fund of the District of Columbia (local funds, special purpose revenue, dedicated taxes) as well as from Intra-District funds derived from General Fund of the District of Columbia sources that exceed \$1 million. The legislation will exempt federal funds, private funds, and any funds of the General Fund of the District of Columbia that are part of the maintenance of effort for a federal grant.

(d) Current grant-making rules provide significant opportunities for circumventing the contracting and procurement process. The Chairman of the Council requested information on Executive grant-making activity from the Office of the Chief Financial Officer on October 30, 2009, and from the Mayor on November 12, 2009, to determine whether Executive grant-making powers needed to be limited. There has been no response from either the Chief Financial Officer or the Mayor to this request.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Executive Grant-Making Authority Limitation Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-354

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to immediately authorize the execution of a memorandum of understanding pursuant to, and allow immediate implementation of, the provisions of the Hospital and Medical Services Corporation Regulatory Amendment Act of 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Hospital and Medical Services Corporation Regulatory Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Hospital and Medical Services Corporation Regulatory Amendment Act of 2009 ("Act") was approved unanimously by the Council on November 3, 2009.

(b) The Act requires District and CareFirst to enter into a memorandum of understanding ("MOU"), defined by the Act, by January 31, 2010, to memorialize the public-private partnership between CareFirst and the District, which includes a \$5 million payment from CareFirst to the Healthy DC Fund.

(c) CareFirst and the relevant District agencies are nearing completion of the MOU and the legislation authorizing payment is not expected to become effective until after the January 31 deadline.

(d) Therefore, this emergency is necessary to ensure that the appropriate legal framework is in place so that the parties can complete and sign the MOU.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Hospital and Medical Services Corporation Regulatory Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-355

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to support of the District's Application for federal stimulus funds under the Department of Energy's Retrofit Ramp-Up Grant solicitation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of the District's Application for Federal Stimulus Funds Under the Department of Energy's Retrofit Ramp-Up Grant Solicitation Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to support of District's application for Federal Stimulus Funds under the U.S. Department of Energy's Retrofit Ramp-Up Grant Program.

(b) Applications under the U.S. Department of Energy's Retrofit Ramp-Up Grant solicitation were due on December 14, 2009. To help increase the likelihood that the District will receive funding under this grant solicitation, the Mayor has requested an indication of Council support. If approved, this Sense of the Council resolution would be immediately transmitted to the Department of Energy to include in the District's application.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sense of the Council in Support of the District's Application for Federal Stimulus Funds Under the Department of Energy's Retrofit Ramp-Up Grant Solicitation Emergency Resolution of 2009 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

18-356

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the sense of the Council in support of the District's application for federal stimulus funds under the Department of Energy's Retrofit Ramp-Up Grant solicitation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of the District's Application for Federal Stimulus Funds Under the Department of Energy's Retrofit Ramp-Up Grant Solicitation Emergency Resolution of 2009".

Sec. 2. The Council finds that:

(1) The U.S. Department of Energy is soliciting applications for a federal stimulus grant that would make funds available for states implementing energy efficiency programs designed to provide "cost-effective energy upgrades for a large percentage of the residential, commercial, industrial and public buildings."

(2) This grant would provide a unique opportunity to launch the District's National Capital Energy Fund, an historic initiative designed to create at least 1,000 jobs and to serve as a primer for economic stimulus and a catalyst for enhancing and expanding energy conservation and efficiency throughout the District of Columbia.

(3) To facilitate implementation of the initiative, Mayor Adrian Fenty has proposed legislation entitled the "Energy Efficiency Financing Act of 2009." If enacted, the act would authorize a revolving loan fund that would serve as a sustainable funding mechanism for continued investments in energy conservation and efficiency retrofits. The Council will initiate due diligence on the proposed legislation in January 2010 to ensure that, if enacted, the authorities set forth in the proposed legislation are codified prior to the awarding of grant funds.

(4) Mayor Fenty and the Council are united behind a common goal to reduce greenhouse gas emissions, enhance and expand energy efficiency, and facilitate economic stimulus throughout the District.

Sec. 3. It is the sense of the Council that the Mayor shall submit a grant application under the U.S. Department of Energy's Energy Efficiency Community Block Grant Retrofit Ramp-up Program.

**ENROLLED ORIGINAL**

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 5. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-357

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to approve Contract No. DCPO-2009-C-0008C with Allied Barton Security Services, LLC, and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCPO-2009-C-0008C Approval and Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists a need to approve Contract No. DCPO-2009-C-0008C to provide security services and qualified personnel to protect persons and property at various District leased or owned facilities.

(b) On August 18, 2009 the District issued a letter contract for a 60-day period to Allied Barton Security Services, LLC, to avoid disruption of services while approval was obtained to award a definitive contract.

(c) Council approval is necessary since the definitive contract is more than \$1 million during a 12-month period.

(d) Approval is necessary to allow the continuation of these vital services. Without this approval, Allied Barton Security Services, LLC, cannot be paid for services provided in excess of \$999,999.99 during the base year of the contract.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCPO-2009-C-0008C Approval and Payment Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-358

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to approve Contract No. DCPO-2009-C-0008E to provide security services to the District of Columbia Public Schools system and to authorize payment for the services received and to be received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCPO-2009-C-0008E Approval and Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists a need to approve Contract No. DCPO-2009-C-0008E with U. S. Security Associates, Inc. ("USSA"), to provide security services to the District of Columbia Public Schools system and to authorize payment for the services received and to be received under that contract.

(b) On October 2, 2009, the Office of Contracting and Procurement ("OCP"), on behalf of the Metropolitan Police Department, entered into a letter contract with USSA to provide security services to the District of Columbia Public Schools system from October 2, 2009 to November 1, 2009 in the amount of \$966,321.

(c) It is now necessary for OCP to definitize Contract No. DCPO-2009-C-0008E and to approve an increase in cost for the services for the remainder of the base year to the total amount of \$8,211,406.

(d) Council approval is necessary since this will increase the contract by more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, USSA cannot be paid for services provided in excess of \$999,999.99 in the base year.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCPO-2009-C-0008E Approval and Payment Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-359

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to approve Contract No. DCPO-2009-C-0008D to provide security services to the District of Columbia Public Schools system and to authorize payment for the services received and to be received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCPO-2009-C-0008D Approval and Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists a need to approve Contract No. DCPO-2009-C-0008D with Securitas Security Services USA, Inc. ("Securitas"), to provide security services to the District of Columbia Public Schools system and to authorize payment for the services received and to be received under that contract.

(b) On October 2, 2009, the Office of Contracting and Procurement ("OCP"), on behalf of the Metropolitan Police Department, entered into a letter contract with Securitas to provide security services to the District of Columbia Public Schools system from October 2, 2009 to November 1, 2009 in the amount of \$946,481.97.

(c) It is now necessary for OCP to definitize Contract No. DCPO-2009-C-0008D and to approve an increase in cost for the services for the remainder of the base year to the total amount of \$8,035,445.

(d) Council approval is necessary since this will increase the contract by more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Securitas cannot be paid for services provided in excess of \$999,999.99 in the base year.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCPO-2009-C-0008D Approval and Payment Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-360

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to approve the increase in funding under the multiyear Memorandum of Understanding between the District and the Defense Supply Center Philadelphia for pharmaceuticals for participants in the District's AIDS Drug Assistance program and other indigent-care programs and to authorize payment for the goods and services received and to be received under the Memorandum of Understanding.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Defense Supply Center Philadelphia Memorandum of Understanding Approval and Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to increase the amount of the Memorandum of Understanding ("MOU") for pharmaceuticals for participants in the District's AIDS Drug Assistance program and other indigent care programs and to authorize payment for the goods and services received and to be received under the MOU.

(b) The Defense Supply Center Philadelphia ("DSCP") has provided the Department of Health ("DOH") with critical pharmaceuticals for several years.

(c) The MOU provides the District with significant savings through the competitive pricing in the Defense Department's medical pharmaceuticals prime vendor contracts.

(d) Approval is necessary to enable DSCP to be paid for goods and services already provided from October 1, 2008, through September 30, 2009, in the not-to-exceed amount of \$4.3 million.

(e) Council approval is necessary as this increases the MOU by more than \$1 million during a 12-month period and payment is necessary for goods and services already received.

(f) Approval is also necessary to allow the continuation of these vital goods and services. Without Council approval, DSCP cannot be paid for goods and services provided under this MOU. The goods and services are essential for DOH to meet the prescription-drug needs of low-income individuals who are not covered by any other programs.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Defense Supply Center Philadelphia Memorandum of Understanding Approval and Payment Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-361

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to authorize the Mayor to enter into an agreement between the District of Columbia and Boys and Girls Club of Greater Washington and to make payments under the agreement; and to authorize the Mayor to enter into a contract with the Boys and Girls Club of Greater Washington for the acquisition of certain real property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Agreements Between the District of Columbia and Boys and Girls Club of Greater Washington Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need for the Mayor to enter into a contract with Boys and Girls Club of Greater Washington ("BGCGW") whereby the District will:

- (1) Make payments to BGCGW to support certain services for District youth;
- (2) Make payments for services previously provided; and
- (3) Provide financial support, and incentive, to BGCBW to relocate the BGCGW headquarters from Maryland to the District.

(b) There also exists an immediate need for the Mayor to enter into a contract with BGCGW whereby the District will purchase the Mary & Daniel Loughran Clubhouse #10, Eastern Branch, and Frank R. Jelleff Branch from BGCGW.

(c) Pursuant to the Boys and Girls Club of Greater Washington Property Acquisition Emergency Act of 2009, effective July 6, 2009 (D.C. Act 18-130; 56 DCR 5510), and the Boys and Girls Club of Greater Washington Property Acquisition Temporary Act of 2009, effective October 3, 2009 (D.C. Law 8-58; 56 DCR 3857) ("BGCGW acts"), the Mayor was authorized to enter into a contract with BGCGW to make payments to BGCGW to support continued operations at the Frank R. Jelleff Branch, Mary & Daniel Loughran Clubhouse #10, and Hopkins Branch.

(d) Because of the length of negotiations, BGCGW has been providing services at these branches without payment by the District and legislative authority is needed to make payment. Due to the financial drain that the lack of payment has placed on BGCGW, payment should be made as soon as feasible.



## ENROLLED ORIGINAL

(e) There also exists an immediate need to enter into a contract with BGCGW to ensure that services continue to be provided by BGCGW at the Mary & Daniel Loughran Clubhouse # 10 and Frank R. Jelleff Branch while the District issues a request for proposals for an operator of the facilities.

(f) Pursuant to the BGCGW acts, the Mayor was also authorized to enter into a contract to acquire Frank R. Jelleff Branch, Mary & Daniel Loughran Clubhouse #10, and Eastern Branch from BGCGW, with the goal of acquiring the 3 facilities by December 31, 2010. To meet this timeline, approval of the contract is needed before December 31, 2009.

(g) The BGCGW acts also authorized the Mayor to enter into a contract to make a payment to support BGCGW's lease payments at THEARC. BGCGW expects to receive an invoice for payment at THEARC in January. Therefore, it is important to receive approval of the contract before January.

(h) The BGCGW acts also authorized the Mayor to enter into a contract to make a payment to BGCGW to provide financial support to BGCGW to relocate its headquarters from Maryland to the District. It is important to approve the contract for this payment to ensure that BGCGW is certain of the District's financial support.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Agreements Between the District of Columbia and Boys and Girls Club of Greater Washington Emergency Approval Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-362

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to approve Contract No. DCGD-2009-C-7331 to provide English language proficiency-assessment services for student with significant disabilities, and to authorize payment for the services received and to be received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCGD-2009-C-7331 Approval and Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists a need to approve Contract No. DCGD-2009-C-7331 with the University of Wisconsin-Madison ("UWM") to provide English language proficiency-assessment services for student with significant disabilities and to authorize payment for the services received and to be received under that contract.

(b) The Office of the State Superintendent of Education (OSSE") and UWM collaborated and submitted an application to the U.S. Department of Education (DOE") for a grant to support the development of alternate English language proficiency-assessment procedures for students with significant disabilities ("Program").

(c) On October 1, 2008, DOE awarded a grant of OSSE in the amount of \$1,220,427 to fund the Program.

(d) OSSE assumed that the services could be performed under a subgrant and issued a purchase order to UWM to perform these services in the amount of \$1,220,427. UWM began performance of the services.

(e) DOE has since advised OSSE that the grant funds must be spent pursuant to a contract and may not be used as a subgrant.

(f) Contract No. DCGD-2009-C-7331, effective from October 1, 2008 through March 31, 2010, is now necessary to utilize the DOE grant funds.

(g) The total expenditure under this multiyear contract with UWM is in the amount of \$1,220,427.

(h) Council approval is necessary to allow the District to continue to receive the benefit of these vital services from UWM. These critical services can only be obtained through an award

**ENROLLED ORIGINAL**

of the multiyear contract with UWM. Without this Council approval, UWM cannot be paid for services provided.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCGD-2009-C-7331 Approval and Payment Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-363

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery of District of Columbia Enterprise Zone revenue bonds in an aggregate principal amount not to exceed \$2.8 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist the Sports Collaborative, LLC in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sports Collaborative, LLC Enterprise Zone Revenue Bonds Project Emergency Declaration Resolution of 2009".

Sec. 2. Emergency circumstances.

(a) The Sports Collaborative, LLC ("Collaborative") is a limited liability corporation organized under the laws of the District of Columbia which seeks to have District of Columbia Enterprise Zone revenue bonds issued and receive a loan of the proceeds for the financing and refinancing of all the costs incurred in connection with:

(1) The financing, refinancing, or reimbursing the Collaborative for certain costs incurred in connection with the acquisition, construction, and renovation of space at 2300 14<sup>th</sup> Street, N.W., Washington, D.C.;

(2) Funding any required debt service reserve fund and capitalized interest; and

(3) Paying certain real estate costs, finance costs, and costs of issuance, and fees and premiums for any bond insurance, credit enhancement, and other related costs.

(b) The planned financing will make available funds critically needed to finance, refinance, or reimburse the Collaborative for costs of the project.

(c) Legislation authorizing tax-exempt bonds through Enterprise Zones expires on December 31, 2009. Without these tax-exempt bonds, the Collaborative will not be able to undertake the project described in subsection (a) of this section.

**ENROLLED ORIGINAL**

(d) Council approval of the bond resolution authorizing the issuance of up to \$2.8 million of District of Columbia revenue bonds would permit the revenue bonds to be issued promptly to provide maximum savings for the Collaborative and enable the project described in subsection (a) of this section to be completed.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sports Collaborative, LLC Enterprise Zone Revenue Bonds Project Emergency Approval Resolution of 2009 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-364

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To authorize and provide for the issuance, sale, and delivery of District of Columbia Enterprise Zone revenue bonds in an aggregate principal amount not to exceed \$2.8 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist Sports Collaborative, LLC, in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sports Collaborative, LLC, Enterprise Zone Revenue Bonds Project Emergency Approval Resolution of 2009".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Authorized Delegate" means the Mayor, the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated, or to whom the foregoing individuals have subdelegated, any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means Sports Collaborative, LLC, a limited liability company organized under the laws of the District of Columbia and exempt from federal income taxation.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the bonds and to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "Code" means the Internal Revenue Code of 1986, approved October 22,

## ENROLLED ORIGINAL

1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*).

(8) "District" means the District of Columbia.

(9) "Enterprise Zone" means the District of Columbia Enterprise Zone designated under section 1400 of the Code.

(10) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

(11) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(12) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(13) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the bonds to the borrower.

(14) "Project" means the financing, refinancing, or reimbursing of all or a portion of the borrower's costs of:

(A) The acquisition, construction, renovation, upgrading, build-out, equipping, and furnishing of a new headquarters facility of the borrower at 2300 14<sup>th</sup> Street, N.W., Washington, D.C. 20009 (Lots 2049, 2050, and 2051, Square 2660);

(B) The funding, if necessary or appropriate, of credit enhancement for the bonds;

(C) The funding, if necessary or appropriate, of any debt service reserve fund or other reserve fund;

(D) The funding of all or a portion of the Issuance Costs; and

(E) Any necessary or appropriate bond insurance or other credit enhancement.

### Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by

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resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The borrower has requested the District to issue, sell, and deliver Enterprise Zone revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$2.8 million and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

(3) The project is located in the Enterprise Zone and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to the economic development of the District.

(4) The project is a capital project or other undertaking in the area of commercial development within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the bonds and the loan to the borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$2.8 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing, refinancing, or reimbursing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District's participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements with the District, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to,



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determinations of:

- (1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the bonds to be issued and denominations of the bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, and the maturity date or dates of the bonds;
- (5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;
- (8) The time and place of payment of the bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and
- (11) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

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(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, and premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party

## ENROLLED ORIGINAL

shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of, or involve, the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the

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limitations set forth in this resolution.

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of bonds is in the discretion of the District. Nothing contained in this resolution, the bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any bonds for the benefit of the borrower or to participate in or assist the borrower in any way with financing, refinancing, or reimbursing the costs of the project. The borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any bonds for the benefit of the borrower.

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(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, and the validity of the bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Code, and section 490(k) of the Home Rule Act, for the project. This resolution has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

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## A RESOLUTION

18-365

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to comply with recent amendments to federal law.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Prevention of Child Abuse and Neglect Emergency Declaration Resolution of 2009".

Sec. 2. (a) Section 101 of the Fostering Connections to Success and Increasing Adoptions Act of 2008, approved October 7, 2008 (122 Stat. 3949; 42 U.S.C. § 675(1)) ("Fostering Connections Act"), requires the states and the District of Columbia to comply with certain requirements when a child is placed with a kinship guardian to claim federal funding for kinship guardianship payments under Title IV-E of the Social Security Act, approved June 17, 1980 (94 Stat. 501; 42 U.S.C. § 670 *et seq.*) ("Title IV-E"),

(b) Section 204 of the Fostering Connections Act requires the states and the District of Columbia under the Title IV-E plan to provide for the educational stability of a child in foster care. The District of Columbia must revise its legislation to comply with these new federal requirements by October 1, 2010, to continue being eligible for federal funding under Title IV-E.

(c) Emergency legislation is necessary to ensure that the District of Columbia meets federal deadlines for compliance with the Fostering Connections Act and continues to be eligible for federal funding under Title IV-E.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Prevention of Child Abuse and Neglect Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-366

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to approve a contract with Unity Health Care, Inc., to provide pharmacy staffing and pharmacy-management services at 7 public health clinics, and to authorize payment for goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCHC-2008-C-9091 Approval and Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to approve a contract to provide pharmacy staffing and pharmacy-management services at 7 public health clinics and to authorize payment for the goods and services received and to be received under the contract.

(b) The Office of the Contracting and Procurement ("OCP"), on behalf of the Department of Health Care Finance, awarded a contract to Unity Health Care, Inc., ("Unity") to provide these services for one year, from October 1, 2007. Through a series of short-term modifications, OCP extended the contract with Unity from October 1, 2008, through December 15, 2009. OCP intends to extend the contract from December 16, 2009, through February 28, 2010.

(c) The estimated total expenditure under this contract, as extended, is \$4,782,176.66.

(d) These critical pharmacy staffing and pharmacy-management services can only be obtained through this contract with Unity.

(e) Council approval is necessary to allow the District to continue to receive the benefit of these vital services from Unity.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCHD-2008-C-9091 Approval and Payment Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-367

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2009

To declare the existence of an emergency with respect to the need to approve the award of a contract with Fomey-Manhattan Deanwood Community Center and Library Joint Venture for general contractor services for the Deanwood Community Center project and to authorize payment for services received, and to be received, under that contract; to approve a contract with Forrester Construction Company for general contractor services for the Walker Jones School Project and to authorize payment for services received, and to be received, under that contract; to approve Contract No. HE-2007-16 with Regan Associates for project management services for the Walker Jones School project and to authorize payment for services received, and to be received, under that contract; to disapprove Contract No. 2009-05 with Banneker Ventures for project management services for the renovation of certain recreation centers and public parks and to authorize services for payment received, and to be received, under that contract; to authorize the Office of the Chief Financial Officer to transfer all funds associated with the Department of Parks and Recreation capital projects in disapproved Contract No. 2009-05 from the Office of the Deputy Mayor for Planning and Economic Development to the Department of Parks and Recreation; to authorize the Office of Public Education Facilities Modernization to manage the modernization, renovation, or new construction of certain capital projects; and to require the Department of Parks and Recreation to enter into a memorandum of understanding with the Office of Public Education Facilities Modernization to manage those projects.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contracts for Project Management and General Contractor Services for the Revitalization of District Recreation Centers, Schools, and Public Parks Approval and Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to approve the award of a contract with Fomey-Manhattan Deanwood Community Center and Library Joint Venture for general contractor services for the Deanwood Community Center project and to authorize payment for



## ENROLLED ORIGINAL

services received, and to be received, under that contract.

(b) The District of Columbia Housing Enterprises, a wholly-owned nonprofit development subsidiary of the District of Columbia Housing Authority, contracted with Manhattan Deanwood Community Center and Library Joint Venture for general contractor services for the Deanwood Community Center.

(c) The Deanwood Community Center is 45% complete, and upon completion will provide programming for youth during after-school hours, a state-of-the-art library facility, programming for senior citizens, a positive impact to the overall community, and jobs for 38 District residents, including 8 residents from Ward 7. However, approval is needed to continue work.

(d) Work at the Deanwood Community Center is currently providing 62% Certified Business Enterprise participation. Most of these companies are small and cannot make their current payroll if they are not paid.

(e) Approval of the contract and authorization of payment for services received, and to be received, under that contract are needed on an emergency basis to ensure that the Deanwood Community Center is completed on schedule.

Sec. 3. (a) There exists an immediate need to approve the award of a contract with Forrester Construction Company for general contractor services for the Walker Jones School Project, as well as Contract No. HE-2007-16 with Regan Associates for project management services for the Walker Jones School project and to authorize payments for services received, and to be received, under the contracts.

(b) The District of Columbia Housing Enterprises contracted with Forrester Construction Company for general contractor services for the Walker Jones School Project. The District of Columbia Housing Enterprises also contracted with Regan Associates for Project Management Services for the Walker Jones School project.

(c) Walker Jones School is the District's first joint K-8 public school, public library, and public recreation center, designed to accommodate up to 750 District of Columbia Public Schools students. The public library and recreation center would serve the entire District and bring much needed local services to the former Sursum Corda neighborhood. Walker Jones School is the first redevelopment project in the Northwest One New Community.

(d) Demolition of the old Terrell Junior High School began in March 2008. Construction of the new facility began in May 2008. Nine companies, including several Certified Business Enterprises, and approximately 100 people would be greatly impacted if the contract is not approved and payments received under that contract was authorized.

(e) Approval of the contracts and authorization of payments for services received, and to be received, under the contracts are needed on an emergency basis to ensure that work on the Walker Jones School project continues to allow completion on schedule.

## ENROLLED ORIGINAL

Sec. 4. (a) There exists an immediate need to disapprove the award of Contract No. 2009-05 with Banneker Ventures for project management services for the renovation of 7 recreation centers and public parks and to authorize payment for services received, and to be received, under that contract, and to authorize the Office of the Chief Financial Officer to transfer all funds associated with the Department of Parks and Recreation capital projects in disapproved Contract No. 2009-05 from the Office of the Deputy Mayor for Planning and Economic Development to the Department of Parks and Recreation and the Office of Public Education Facilities Modernization to manage the modernization, renovation, or new construction of certain capital projects pursuant to a memorandum of understanding with the Department of Parks and Recreation.

(b) The District of Columbia Housing Enterprises contracted with Banneker Ventures for project management services for the renovation of 7 recreation centers and public parks known as Rosedale, Kenilworth, Raymond, Bald Eagle, Guy Mason, Fort Stanton, and Barry Farms.

(c) Work on the 7 sites will be stopped if payments due under that contract are not authorized or other arrangements made for continuing the work.

(d) Due to disapproval of the contract, there exists an immediate need to authorize the Office of Chief Financial Officer to transfer all funds associated with Department of Parks and Recreation ("DPR") capital projects in the disapproved contract from the Office of the Deputy Mayor for Planning and Economic Development to DPR and to authorize the Office of Public Education Facilities Modernization to manage the projects.

Sec. 5. The Council of the District of Columbia determines that the circumstances enumerated in sections 2 through 4 constitute emergency circumstances making it necessary that the Contracts for Project Management and General Contractor Services for the Revitalization of District Recreation Centers, Schools, and Public Parks Approval and Payment Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 6. This resolution shall take effect immediately